Sectt. II-27—58,004—2-10-47.

EPH (1949) Department.

No. SERIES.

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G.O. NO. 728 P.H

Dated 5.3.49

[Despatch Abstract.]

EPH - P.H - Mangalore Md. Cl -
Retired vaccinator Ummersahib
Irregular appointment - Ratified.

R.No. 12928-E(1)-48 Office of the Director of Public Health, Madras. Dated 4-6-1948

Forwarded.

2. The appointment of Ummer Sahib from 14-12-1944 to 26-7-1946 falls under the purview of Regulation 45-A. Approval of the Director of Public Health was not obtained for the appointment and it needs to be regularized now under Regulation 45-A. Though the appointment had lasted upto 26-7-1946, the Municipal Commissioner has sought ratification upto 26-6-1946 only on the ground that the then Municipal Health Officer failed to terminate the services of the retired Vaccinator as soon as the irregularity was noticed. There is no point in ratifying the appointment upto 20-6-1946 and leaving the service from 27-6-46 to 26-7-46 undecided. Since the Vaccinator had worked during the above period also and had been paid salary and allowances, the entire period needs to be regularized. I therefore recommend that the entire period of appointment of the Retired Vaccinator from 14-12-1944 to 26-7-1946 may be regularized under Regulation 45 A.

FOR DIRECTOR OF PUBLIC HEALTH, MADRAS

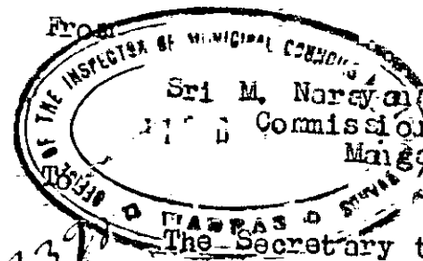
To

The Secretary to Government,
Education and Public Health Department,
Fort St. George, MADRAS

sm.5/6

ASSISTANT SECRETARY TO GOVT.
42438
8 - JUN 1948

B2/1379/48. Municipal Office, Mangalore,
dated the 5th February 1948.



From

Sri M. Narayan Shenoy, B. A. B. L.,
Commissioner, Mangalore Municipality,
Mangalore.

To

The Secretary to the Government of Madras,
Public Health Department, M a d r a s,

Through - -

The Director of Public Health, M a d r a s,

The Inspector of Municipal Council, & Local Boards,
Old High Court Buildings,
First Line Beach, M a d r a s, - &

The Chairman, Municipal Council,
M a n g a l o r e.

Sir,

Public Health - Establishment - Vaccinator -- Ummer Saheb - Irregular appointment - L. Dis. 38742-El-46, dated 26th September 1947 of the Director of Public Health, Madras.

Mr. Ummer Saheb, a II Class Vaccinator who had retired on pension from the District Board service was appointed as vaccinator on Rs. 25 per month in this Municipality under regulation 9 (1) of the Public Health Establishment regulations with effect from 14- 12- 1944 by the then Health Officer. He was suffered to continue without periodical renewal and without further approval of the Executive Authority - When this was noticed by me the Health Officer sought to regularise the appointment from 14-3-45 to 13- 9- 1946 by seeking to renew the appointment every 3 months. This was not approved and the matter was therefore referred to the Director of Public Health in this office letter H1/7516-46, dated the 27th June 1946 (copy enclosed) and the Director of Public Health in his L. Dis. 38742-H1 -46, dated the 26th September 1947 (copy enclosed) that the Government may be addressed for ratification as Mr. Ummer Saheb was not as pointed by me a qualified I Class Vaccinator. The Director of Public Health had also ordered the recovery of excess paid to the vaccinator. The Treasury Officer has been requested by the Health Officer to recover the excess payment from the pension and the salary withheld from 1-6-1946 to 25- 7- 1946 has been adjusted towards the excess payment.

The grave irregularity in his entertainment and continuance was pointed out in writing byme to the then Health officer (Dr. M. Vallabha Rao) on 26- 6- 1946 and the Health officer should have terminated the services of the vaccinator on 26- 6- 1946, but he specifically ordered the continuance in service of Ummer Saheb. I submit the Health Officer did so on his own responsibility. Had there been no change in the Health Officer in July 1946 (the successor of Dr. M. Vallabh Rao terminted the services of the vaccinator) Ummer Saheb would have continued irregularly till the receipt of Director of Public Health's Proceedings L. Dis. 38742-El/46 dated the 26th September 1947 with the resulting difficulty in recovery of excess payment.

p.t.o

therefore, submit that the appointment made may be regularised only till 26- 6- 1940 when the Health Officer deliberately declined to terminate the services of the vaccinator.

Forwarded.

Commissioner 6.2.48

Chairman, M.C.

Enclosures: Two.

h/6-2-48. comp'd.

12928

Copy to the Municipal Health Officer,
Mangalore Municipality.

Office of the Director of Health Services, Madras - 2.48

No. 7378/48

Forwarded

for information

13/2 for 14/4/48

To the Secretary to Govt. To D.H Servs, Madras

The Asst. Director of Public Health Madras

Copy of letter H1/7516-46, dated the 27th June 1946
From the Commissioner, Mangalore Municipality, Mangalore,
To The Director of Public Health, Madras, Through the
Inspector of Municipal Councils and Local Boards, Record Office
Buildings, Egmore, M a d r a s.

Subject:- Establishment - Public Health - Vaccinator - proposal of Health Officer - disapproval - Orders requested.

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1. Ummer Saheb, a II Class Vaccinator retired from District Board service, is now over 58 years old. He was appointed as Vaccinator in the Mangalore Municipality under regulation, 9(1) with effect from 14th December 1944 until further orders. The appointment was approved by the Commissioner in view of L. Dis. 18166 - 2 - E (L) 44, dated the 29th April 1944 of the Director of Public Health. Therein the Director of Public Health had laid down that retired persons could be reappointed for periods not exceeding three months at a time and provided qualified persons are not available. But Ummer Saheb has been suffered by the Health Officer to continue in Municipal service even to this date without renewing the appointment every three months, after three months from 14-12-44 Viz after 13-3-45. No approval of the Executive Authority has been obtained either the earlier approval accorded having expired on 13-3-45. The Health Officer by his present proceedings (copy enclosed) seeks to regularise the irregular continuance in service of Ummer Saheb by now seeking to renew the appointment every three months. I am not able to approv of the same for the reasons hereinafter appearing. The matter is therefore referred to the Director of Public Health for orders as required by the rules.

2. (i) The Health Officer has now no power to regulariese the appointment by saying that Ummer Saheb is deemed to have been appointed for three months at a time nor has the Executive Authorit power to approve of the same. Ummer Saheb has been irregularly in service continuously for over one year from 14-3-1945. Under regulation 44, even the Government could give sanction for employment of superannuated persons only for a period not exceeding one year at a time. The Health Officer in affect seeks to ratify Ummer's irregular continuance in service for one year and six months from 13th March 1945 to 13th September 1946.

(ii) Ummer Saheb was a II Class vaccinator who retired from District Board service on 18th March 1943. His appointment in municipal service with effect from 14th December 1944 is therefore to be considered a fresh one. The vacancy in which he was appointed is stated by the Health Officer to be a I Class one. If so, under regulation 45 A only the Director of Public Health could sanction the appointment of men II Class Vaccinators in I Class vacancies. This sanction has not been obtained either prior to his appointment or later.

iii) In his L. Dis. 11744-E(1) - 46, dated the 28th February 1946, the Director of Public Health stated that there is no objection to the continuance of the retired male vaccinator till a qualified male I class vaccinator was available provided he was medically fit. The letter leading to the issue of this order was not sent to Director of Public Health through the Executive Authority as required by Government Memorandum No. 10534/45-2-E-1 P. H., dated the 24th May 1945. This order of Director of Public Health dated the 28th February 1946 cannot be treated as sanction required under section 45 for the irregular continuance posting of Ummer Saheb from 14th March 1945. And though the Director of Public Health ordered that the retired male vaccinator should be found medically fit, he was not sent for medical examination until four months latter Viz on 24th June 1946. This requisition has also not gone through the Executive Authority as required by the above memorandum of Government.

(iv) Under L.Dis. 18166-2-E(L)44,dated the 29th April 1944 of the Director of Public Health, retired persons could be reappointed for periods not exceeding three months at time provided qualified persons are not available,such appointment being terminated when qualified hand is available. Gulabi a woman II Class vaccinator was available for appointment from 14th February 46. She had not the age disqualification,while Ummer Saheb the retired II Class vaccinator, the period person now suffered to continue - had the age disqualification as well. There is no bar to the appointment of women in men's place. Only in women's vacancies men cannot be appointed.

(v) Krishna Sharma a male II Class vaccinator has been acting in a I Class vacancy and was discharged late in June 1946 - when the permanent hand joined duty. As he was considered fit to act in a I Class vacancy he should have been appointed to the I class vacancy now stated to be held by Ummer Saheb as Krishna Sharma does not have the additional disqualification of age which Ummer Saheb has. And when he is available the proceedings of the Director of Public Health referred to in 2(iv) above does not enable the Health Officer to appoint a retired man even under regulation 9(a). And yet Ummer Saheb is sought to be kept on till 13th Septr.1946. If Krishna Sarma can act in one I Class vacancy he can act in another as well.

(vi) The vacancy held by Ummer Saheb is not a I Class vacancy as reported by the Health Officer to Director of Public Health in his letter L. Dis. 716/46, dated the 19th February 1946(again not sent through the Commissioner as required by Government order) and disposed of in L.Dis. 11744-E(1)-46 dated the 28th February 46 of the Director of Public Health. The vacancy is the one earlier sanctioned as an additional post and later sanctioned by the Director of Public Health permmnently in his D.No. 5 E (1) 45, dated the 3rd January 1946. The scale of pay sanctioned for the vaccinator's post therein is Rs. 25-3/2-40. This is the scale not for a I Class Vaccinator but a II class one. The vacancy therefore is not of a I Class vaccinator but of a II Class ~~vaccinator~~ one and therefore the observation of the Director of Public Health that the Ummer, the retired male vaccinator could be continued is inapplicable as a II Class vaccinator who had previously acted was actually available for appointment and therefore Ummer could not be continued under regulation 9(a)

(vii) Ummer Saheb is a pensioner. The pay allowed to him added to his pension will be in excess of the pay he was drawing at the time of retirement. Even if Ummer Saheb's appointment is to be approved his pay must be reduced as he cannot be in amore advantageous position than Government pensioner reappointed to service. The pay cannot be kept as it is and pension reduced to the benefit of the District Board.

3. Ummer Saheb is now a trespasser as there is no order validly in force permitting his continuance in service. I suggested to the Health Officer that he may be discharged pending orders in this matter,but he has not done so.

4. I request early orders may be passed.

(True copy)

5th February 48.

Commissioner
Mangalore Municipality.

H/6-2-48. compd.

Copy of L.Dis.38742 - E1 - 46 Madras dated the 26th September 1947 — From the Director of Public Health, Madras to the Municipal Commissioner and Special Officer, Mangalore Municipality, Mangalore.

Sub: Establishment - Public Health - Mangalore Municipality — Post of Vaccinator - Filling up of.

Ref. Your letter H1-7516 - 46, dated the 27th June 1946 and further endorsements dated the 26th November 1946 and 28th June 47 on the subject.

In as much as Miss Gulabi has since been employed as vaccinator further action is not called for on her petition.

The Public Health Regulations have done away with men second class vaccinators posts and hence sanction cannot be accorded for the creation of such posts after 1.1.47 41. The scale of pay noted against item vaccinator in this office proceedings D.No. 5-E1-46 dated the 3rd January 46 is a clerical mistake for Rs.30-2/2-50. The post sanctioned was not that of a 1st class vaccinator only. In this connection, reference is solicited to the proposition statement forwarded with your letter B3 2684--45 dated the 7th September 1945.

As Ummer Saheb is not qualified to hold the post of 1st class vaccinator, his appointment on 14th December 1944 and subsequent continuance should have been made under regulation 45A with the approval of the Director of Public Health and not under Regulation 9(i) On this point, I agree with you. The appointment needs to be regularised now. Further as Ummer Saheb was drawing a pay of Rs.40 per mensem at the time of retirement and was allowed a pension of Rs.20 per mensem, he should have been paid a salary of Rs.20 per mensem only for the period of his reemployment from 14th December 1944 to 31st May 1946 so that pay plus pension might not exceed the pay drawn at the time of retirement. The excess paid at Rs.5/- per mensem may be recovered from the vaccinator.

Government may be addressed through this office for ratification of the period of employment of Ummer Saheb under Regulation 45.A.

(True copy)

Municipal Office, Mangalore, dated the 5th February 1948.

Commissioner
Mangalore Municipality.

compd.

h/6-2-48.

E.P.H. (E2)

From the Commr., Mangalore Mty.,B2.1379/48 dated 5-2-1948.

From the D.P.H., R.No. 12928 E(1)/48 dated 4-6-1948.

Sub: Establishment - Public Health - Mangalore Ml.Cl. - Retd. Vaccinator, Mr.Ummer Saheb - Irregular Appointment - Regularization - ~~Ordered.~~

Memo No. 9808/48-4E2

~~G.O.No.Ms.~~ P.H., dated 9.7.48 ~~6-1948.~~

In the circumstances stated by the D.P.H., the Govt. regularize the appointment of the retired Second class Vaccinator, Mr. Ummer Sa who held ~~in~~ the post of a I class Vaccinator in the Mangalore Mty., from 14-12-1944 to 26-7-1946.

2. The D.P.H. is informed that the action of the Health Officer (Dr B. Vallabha Rao) ~~concerned~~ in appointing the retired Second class vaccinator to hold the post of ~~in the vacancy of~~ a first class vaccinator for such a long period without getting the sanction of the D.P.H. under Regulation 45-A of the P.H. Regulations, and is irregular. ~~the Health Officer's action in having deliberately continued the services of the Retd. Vaccinator after the irregularity was pointed out~~ to him in writing by the ~~Commr., Mangalore Mty., in his letter dated 2-6-1946, is viewed by Govt. with great displeasure.~~ The D.P.H. is requested to obtain the explanation of the Health Officer and forward it to Govt. with his remarks ~~in due course.~~

Copy
To the Commr., Mangalore Mty., thro' Chairman, ~~(with copy of proc)~~

To the D.P.H., ~~I.L.R. (with copy of proc)~~

S/C

55315A/48

CONFIDENTIAL.

Office of the Director of Public Health,
R.No. 12928-E(1)-48, Madras, Dated 21st July 1948.

From

Rao Bahadur Dr.R.M.Mathew, D.P.H.,D.T.M.& H.,M.R.C.P.,
Director of Public Health, Madras.

The Secretary to Government,
Education and Public Health Department,
Fort St. George, Madras.

Sir,

Sub:- Establishment - Public Health - Mangalore Municipal Council - Retired Vaccinator, Mr. Ummer Sahib - Irregular appointment of.

Ref:- Government Memo.No. 9808/48-4-E2-P.H., dated 6-7-48.

Dr. M. Vallaba Rao took charge of the office of the Municipal Health Officer, Mangalore only on 16-8-45. i.e., long after the initial appointment was made in December 1944. It was Dr.B. Subbaraya Baliga (he was in office then and he continued up to 1-8-45) who made the original appointment. Explanation will have therefore to be called for from him only for the initial Irregularity. He has, however, since retired from service. After Dr. Vallaba Rao took charge the Commissioner too did not notice the irregularity till June 1946. In the circumstances I suggest that the matter may be dropped.

Yours faithfully,

21/7/48

Director of Public Health, Madras.

S.K.V.22-7.

SECRETARY TO GOVERNMENT EDUCATION AND PUBLIC HEALTH DEPARTMENT 26 JUL 1948

P.9 note

Confidential.

E.P.H.(E2)

p.9 CF

p.11 CF

Read: Memo No. 9808/48-4 E2, P.H., dated 8-7-48.

From the D.P.H., R.No. 12928-E(1)/48 dated 21-7-1948.

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Sub: Establishment - Public Health - Mangalore Ml.Cl. Retired vaccinator, Mr.Ummer saheb - Irregular appointment.

--

dy. 9/8.

MEMO: 42438 ~~42008~~/48-2 Estt dy 9-8-48

The D.P.H. is informed that Dr.M. Vallaba Rao, who took charge of the office of the Municipal Health Officer, Mangalore, on 16-8-45 should have noticed the irregularity in the continuance of the retired vaccinator Ummer Sahib till July 1946. Further, it has been reported by the Commr., Mangalore Mty., in his letter B2/1379/48 dated 5-2-48 that the grave irregularity in the entertainment and continuance of the vaccinator was pointed out by him in writing to the Ml.Health.Officer ~~read above~~ on 26-6-46 and that the

para 2 on p.3 CF

Health Officer, instead of terminating the services of the vaccinator on 26-6-46, specifically ordered his continuance. The Commr., states that the Health Officer did so on his own responsibility and had there been no change in the Health Officer in July 1946 (~~the~~ it is the successor of Dr.M. Vallabha Rao who terminated the services of the vaccinator), Ummer Sahib would have been continued irregularly till the receipt of the D.P.H's procgs. L.Dis. 38742-E1/46 dated 26-9-47. ~~with the resulting difficulty in recovery of excess payment.~~ p.7 cf

2. In the circumstances, the D.P.H. is requested to obtain the explanation of the Health Officer refd. to above and forward it to Govt. with his remarks.

Dispatch with sealed Cover KK 28-7-48

To the D.P.H.

Rd. 20/7/48

28.7.48

28.7.48

28.7.48

Confidential. Office of the Director of Public Health,
R.No.12928-E(1)-48, Madras, Dated 9th February 1949.

From

Dr.R.M.Mathew, M.B.B.S.,B.S.Sc.,D.T.M.& H.,D.P.H.,M.R.C.P.,
Director of Public Health, Madras.

To

The Secretary to Government,
Education and Public Health Department,
Madras.

Sir,

Sub:- Establishment - Public Health - Mangalore Municipal Council - Retired vaccinator, Mr. Ummer Sahib - irregular appointment.

Ref:- Government Memo.No.42438/48-2-E2-P.H., dated 9-8-48.

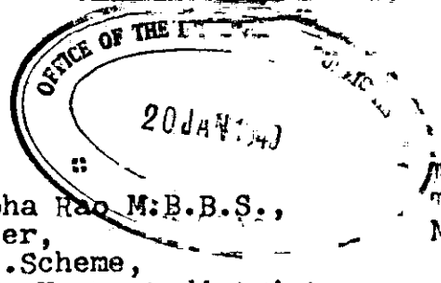
The explanation of Dr.M. Vallaba Rao is forwarded herewith.

2. Dr. Vallaba Rao was a fairly raw hand at the time and, in the circumstances stated by him, his action may be condoned and the appointment ratified.

Yours faithfully,

Director of Public Health, Madras.

S.K.V. 10-2.



From
Sri M.Vallabha Rao M.B.B.S.,
Health Officer,
Machkund H.E.Scheme,
Machkund P.O. Koraput district.

To
The Director of Public Health
Madras.

4897

Sir, No/36 H.O. MHE/17 -1-49.

Sub:- Estt - Public Health - Mangalore Municipal council
Appointment of Md. Ummer Saheb - Retired Vaccinator.

Ref:- D.P.H Confidential R.No. 12429-E01-48 dated 1-10-48.

Md. Ummer Saheb was originally appointed under rule 9 a (1) by my predecessor Dr. Subbaraya Baliga until further orders. He retired from the service after handing over charge to me. The circumstances under which the vaccinator was continued in the post during my period are as follows:-

1) There was a threatened epedemic of small pox in the Municipality. The, services of a reliable, [experienced and reliable] experienced and hard working vaccinator were found essential to cope up with the situation.

2) There was no other suitable and dependable hand available to replace him.

3) There was an epedimic of plague in the Municipality necessitating requistioning of additional staff for the control work, thus distracting me from minor administration aspects, ~~and thus~~ deviating all my attention and efforts for controlling this epedemic.

In these circumstances of threatened epedemic of small pox out break it is felt that any interruption in the vaccination work by the appointment of raw undependable and inefficient vaccination staff may be responsible for the flaring up of small - pox epedemic. Yet trail was given to Miss Gulabi and Mr. Krishna Sharma. Mr. Krishna Sharma requested to be relieved as he has no interest in this branch of work. Miss Gulabi proved a misfit for the job. The qualified S.I Mr. Sankaran Nair was not entertained as in my limited experience I found a qualified S.I keeping the post of a vaccinator as a standby for his aspirations to become a S.I which appears to be natural. Their work as vaccinators will be always incomplete as they are not satisfied with their despondent lot as vaccinators.

Thus in the interest of Public Health and duty to service Mr. Ummer Saheb who was found to be fit, strong, efficent and experienced in his work was prefered to the others and continued in the post even after the Commissioner draw my attention to certain administrative matters. Even though the commissioner Mangalore Municipality wanted me to summarily dispense with the services of this vaccinator on 26-6-46, the day he has chosen to point out the noticed irregularity, even though the vaccinator was being entertained in service from 14-12-44, I could not dispense with his services as I felt them to be essential. Hence orders were issued appointing Md.Ummer as a vaccinator from 15-7-46 for a period of 3 months or till the receipt of the orders of the Government on the clarification on this subject Solicited by the Commissioner or which ever is earlier. I could not dispense with his services as I felt any interruption in vaccination work, by the employement of raw un-trained hands for vaccination was feared, to entail in the out break of small pox epedemic which was rampant th all over the presidency. Hence the emergency appointment of the vaccinator from x 14-12-44 to 15-7-46 may kindly be ratified now as the motive behind such continuance is in the interest of Public Health and duty.

The Commissioner's conclusive statement that I deliberatily continued the vaccinator even beyond 26-6-46 and hence the Governement should ratify and regularise the appointment of Md. Ummer till that date only is very disconcerting as Md. Ummer had carried out his duties with the same steadfastness and efficicency even after that date and I had to allow him to continue in the post as a measure of safe-guarding the Public Health; and prevention of small pox epedemic, a responsibility which I hold as solemn and supreme.

The files received in the above reference are herewith returned.

M. Vallabha Rao

HEALTH OFFICER
MACHKUND H.E.SCHEME
MACHKUND.

15/4/49

Encl:- files.

(1) with no D.Dis. 3549-44 - 12 Pages

(2) H-7510/46 - - - 76 "

By Registered Post.

H.(E2)

42438/48

From the Commr., Mangalore Mty., B2.1379/48 dated 5-2-48.
" I.L.B., N.Dis.7398/48 dated 16-2-1948.
" D.P.H.,R.No.12929-E(1)/48 dated 4-6-1948.

Memo No. 9808/48-4 B2, P.H., dated 9-7-1948.

From the D.P.H.,R.No. 12928-E(1)48 dated 9-2-1949.

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Sub: Estt.- Public Health - Mangalore Ml.Cl. - Retired vaccinator, Mr. Ummer Sahib - Irregular appointment - Ratified.

G.O.No.Ms. 728 P.H., Dated 5-3-1949.

The Govt. view with displeasure the action of the Ml.Health Officer, Dr.M. Vallabha Rao, in having ordered the continuance in service of the retired second class vaccinator, Mr. Ummer Sahib, beyond 26-6-46, in spite of the irregularity ~~in the~~ the action ~~entertainment and continuance of the vaccinator was~~ having been pointed out to him by the Commr., Mangalore Mty. The explanation of the Ml.Health Officer is not acceptable ~~convincing~~ as he ~~has~~ failed to communicate to the Commr., his reasons for retaining the vaccinator.

2. As a special case, the Govt., however, condone the action of the Ml.Health Officer and ratify the appointment of the vaccinator for the period from 14-12-1944 to 26-7-1946.

512
1.3.49.

To the Commr., Mangalore Mty., thro' D.M.C.,
To the D.P.H.,
Copy to the I.L.B.,
Examr.of L.F. Accts.,

stc

C.No.42438/48. E.P.H. (E2).

From the Commr., Mangalore Mty., B2.1379/48 dated 5-2-1948.

P.I.C.F.

From the D.P.H., R.No.12928 E(1)/48 dated 4-6-1948.

Sub: Establishment - Public Health - Mangalore Ml.Cl. - Retd. Vaccinator, Mr.Ummer Saheb - Irregular appointment - Regularisation.

The case relates to the irregular appointment of a Retd. Dt Bd II class Vaccinator in the vacancy of a I class Vaccinator's post in the Mangalore Mty., from 14-12-44 to 26-7-46 by the then Health Officer. The Health officer ~~suffered the~~ continuance of the appointment during the above period without getting periodical renewal and without further approval of the Executive Authority. The retired Vaccinator Ummer Saheb was a II class vaccinator who retd. from the Dt.Bd. service on 18-3-43. His appointment in municipal service with effect from 14-12-44 is therefore a fresh one. The vacancy in which he was appointed is stated to be a I class one. If so, under Regn. 45-A of the P.H. Regns the D.P.H., only could sanction the appointment of men II class Vaccinators in I class vacancies. This sanction has not been obtained either prior to his appointment or later by the Health Officer concerned. The Commr.,Mangalore Mty.,in para 2 of his letter states that though the irregularlity was pointed out in writing to the then Health Officer on 26-6-46, the Health Officer specifically ordered the continuance in service of the retd. vaccinator. The Commr., states that charges the Health Officer, ~~that he~~ deliberately declined to terminate the services of the retd. vaccinator. The action on the part of the Health Officer ~~who was in charge of the station~~ (Dr. B. Vallabha Rao) then should be viewed by Govt. with displeasure. The D.P.H. may be asked to call for the explanation of the Health Officer and forward it with his remarks to Govt. in due course.

2. It is understood that the retired vaccinator was drawing a pay of Rs.40/-p.m. at the time of his retirement and he was allowed a pension of Rs.20 p.m. Therefore he should have been paid a salary of Rs.20/-only for the period of his employment

p.t.o.

so that the pay plus pension might not exceed the pay drawn at the time of retirement. (But he has been receiving Rs 25 p.m.) The D.P.H. has ordered recovery of the excess paid at Rs 5 p.m. to the retd. Vaccinator and the Commr., Mangalore Mty., has given the necessary instructions to the Treasury Officer to recover the excess paid to the retd.vaccinator.

2. The D.P.H. recommends that the entire period of appointment of the retired vaccinator from 14-12-1944 to 26-7-1946 may be regularized. His recommendation may be accepted. The draft order below is for approval. L.A. may see before issue.

Thro' E.I

L.A. Dept.

The draft order may be perused and returned to E.P.H.O.

There seems to be no ground for regularising the appointment. The receipt of the M.H.O's explanation may be awaited before the question of regularisation is taken up. E.P.H. may amend the draft suitably.

E.P.H.

Please see the L.A. note above. Their suggestions may be accepted. The draft below may be issued without para 1 thereof.

EPH. U.O. 42438/48-I E2
29/6/48

SECRETARY TO GOVERNMENT 25989 20 JUN 1948 FOCAL ADMINISTRATION DEPT.

L.A. U.O. 25989/48-I
5-7-48

ASSISTANT SECRETARY TO GOVERNMENT 25989 6-JUL 1948 EDUCATION AND PUBLIC HEALTH DEPARTMENT

p.9 CF

p.11 CF.

p11 CF

p3 CF

(Issued Memo No.9808/48-4 E2, P.H., dated 8-7-1948). to the D.P.H.

From the D.P.H., R.No. 12928-E(1)-48 dated 21-7-48

Please see the reply from the D.P.H. to the memo on page 9 c.f. The ~~D.P.H.~~ states that Dr.Vallaba Rao took charge of the office of the M.H.O. Mangalore on 16-8-45 and that he did not notice the irregularity till June 1946. He states that the initial appointment was made in Decr., 1944 and that the M.H.O. who made the appointment has since retired. In the circumstances, the D.P.H. recommends that the matter may be dropped.

2. It is subd. that the vaccinator in question was continued irregularly till 26th ~~Sept~~ July., 1946 - ~~the receipt of the D.P.H's proogs. L.Dis. 38742-E1/46 dated 26-9-47~~. The Commr., Mangalore Mty., in para 2 of his letter dated 5-2-48 reports to Govt. that the grave irregularity in the entertainment and continuance of the vaccinator in question was pointed out in writing by him to the then Health Officer(Dr.M. Vallabha Rao) on 26-6-46, ~~and~~ the Health Officer should have terminated the services of the vaccinator ~~in service~~ on 26-6-46, itself, instead ~~but~~ he specifically ordered the continuance in service of ~~Umer Saheb~~ the vaccinator. The Commr. states that the Health Officer did so on his own responsibility and that had there been no change in the Health Officer in July 1946 (the successor of Dr. M. Vallabha Rao terminated the services of the vaccinator), ~~Umer Saheb~~ the vaccinator would have been continued irregularly. ~~xxxxxx~~ It is subd that Dr.Vallabha Rao who has been in charge of the station from 16-8-45 should have noticed this irregularlity, ~~and~~ his action in not terminating the services of the vaccinator even on 26-6-46, in

spite of the Commissioner, Mangalore Mty., pointing out the irregularity in this, calls for notice by Govt. The reply given by the D.P.H. in his letter on page ‖ c. and his suggestion to drop the matter, is not convincing. It seems necessary that a further reference should be sent to the D.P.H. and the explanation of the M.H.O. refd. to above (Dr.M. Vallabha Rao) obtained.

The draft memo below is for approval.

(Issued Memo No.42438/48-2 E2, P.H., dated 9-8-48 to the D.P.E.)

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From the Commr., Mangalore Mty., No.B2/1379/48 dated 24-6-48.
I.L.B.,N.Dis. 30826/48 dated 11-7-1948.
D.P H., N.Dis.48236-E1-48 dated 17-8-1948.

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Please see the letter of the Commr., Mangalore Mty., on page 15 c.f. and the endorsement of the D.P.H., dated 17-8-48. The attention of the D.P.H., may be invited to Govt. Memo on page 13-14 c.f. and he may be requested to expedite his reply. Draft memo below is for approval.

Issued Memo No.42438/48-3 E2, P.H., dated 25-8-48. to the D.P.H.,

From the D.P.H.,R.No. 12928-E(1)/48 dated 9-2-1949.

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With reference to the memo on page 13 c.f. the D.P.H. has since forwarded to Govt. the explanation

of Dr.M. Vallaba Rao. The D.P.H. recommends that this Health Officer was a fairly raw hand at the time and in the circumstances stated by him, his action may be condoned and the appointment of the retired vaccinator may be ratified.

2. The Health Officer has explained that there was a threatened epidemic of smallpox in the Mty., and that the services of a reliable and experienced vaccinator were found essential to cope up with the situation. He states that there was an epidemic of plague also necessitating requisitoning of addl.staff for the control work, thus distracting him from minor admn. aspects and deviating all his attention and efforts for controlling the epidemic. In the interest of public health, and duty to service, the vaccinator in question who was found to be fit, strong, efficient and experienced in his work was preferred to others and continued in the post even after the Commr., drew his attention to certain administrative matters. ~~He also has also sanctioned the continuance of vaccinator for prevention of smallpox epidemic as responsible, hard worker and supreme.~~

3. It is for orders whether the explanation given by the Health Officer and the recommendation of the D.P.H. may be accepted. ~~Subject to orders a draft order regularising~~ and the appointment of the retired second class vaccinator Mr.Ummer Sahib who held the post of a I class vaccinator in the Mangalore Mty., from 14-12-1944 to 26-7-1946 regularised. ~~the subd. for approval~~.

4. L.A. may see the case ~~in continuation of~~ with reference to their notes on 2 page ante.

LEGAL ADMINISTRATION BRCH. 7974 21 FEB 1949

EPH-U.O.42438/48-EPH

19/2/49

L. A. Dept.

(previous note of this dept at p. 2 ante).

The explanation of the Md. Health Officer concerned will be found at pp 16-18 C.F. E+PH propose to accept the recommendation of the D.P.H that the action of the M. H.O. may be condoned and the appointment in question may be ratified. p 14 CF

The irregularity involved in the appointment of Ummar Sahib was pointed out by the Commr. in writing for 26-6-46. The explanation now submitted by the M.H.O for having continued Ummar Sahib beyond 26-6-46 seems to be very much an afterthought. If what he says is true, he could have recorded his reasons when and there and returned the Commr his note. It was left to his successor to terminate the services of the person. Even now he has not expressed a word of regret for this action. It is therefore for consideration whether this explanation should be accepted. The appointment may, however, be ratified. The file may be returned to E+PH. p 13 CF. para 2 on p 13 CF. p 16 last para of p 16 CF. p 3 CF. This is typical of the attitude of Municipal Health Officers to their Commissioners

24.2.49

The explanation of the M.H.O is far from convincing. His failure to communicate to the Commr. his reasons for retaining the Vaccinator in spite of the Commissioner's instructions is definitely a point against him. He has raised the bogey of 'P.H. in danger' to escape punishment.

24.2.49 Very

I do not think the explanation of the M.H.O. is acceptable.

The appointment may however be ratified - as there is no other q.

15410
28 FEB 1949

26/2

E+P.H

L&W U.O. No 7974 G/49
26-2-49

E.P.H.(E2)

Please see the remarks of L.A. Dept. above; they state that the explanation of the M.H.O. is not acceptable ~~and~~ but that the appointment may ~~however~~ be ratified as there is no other go. In view of the remarks of L.A. above, it is for orders whether the D.P.H. may be informed that ~~the~~ Govt. view with displeasure the action of the M.H.O. in having ordered the continuance in service of the vaccinator beyond 26-6-46 in spite of the irregularity in ~~the entertainment and continuance of the vaccination in question~~ that having been pointed out to him; the explanation of the M.H.O. is not convincing as he ~~has~~ failed to communicate to the Commr., his reasons for retaining the vaccinator, and that, as a special case, the Govt (condone the action of the M.H.O. and) ratify the appointment ~~of the retired second class vaccinator~~ from 14-12-1944 to 26-7-1946.

2. Subject to orders, the draft order below is for approval.

S12
1.3.49.

2.3.49

3/3/49

10/3